



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women
Nineteenth session**

Summary record of the 395th meeting

Held at Headquarters, New York, on Thursday, 2 July 1998, at 10.30 a.m.

Chairperson: Ms. Khan

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The meeting was called to order at 10.30 a.m.

Consideration of reports submitted by States parties under article 18 of the convention *(continued)*

Second and third periodic reports of Nigeria (CEDAW/C/NGA/2-3, CEDAW/C/1998/II/CRP.1/Add.2)

1. *At the invitation of the Chairperson, Ms. Sani (Nigeria) took a place at the Committee table.*

2. **Ms. Sani** (Nigeria), introducing the second and third periodic reports of Nigeria (CEDAW/C/NGA/2-3), said that women in Nigeria were deterred from entering politics by the violence of partisan rhetoric, the high cost of campaigning and cultural prejudices against their participation. The Federal Ministry of Women Affairs and Social Development which she headed, had launched a campaign to make women aware of the importance of their participation in political affairs, but to date the number of women in political office remained small. There were three women Ministers and eight women Senators; one political party was headed by a woman; there were nine women members of the Vision 2010 Committee, which was responsible for preparation of a blueprint for sustainable development in Nigeria; and each state had two or three women Commissioners.

3. The Constitution prohibited discrimination based on sex and stipulated that the Government must endeavour to ensure equal opportunity for all. Anyone whose rights had been violated could appeal before the High Court. However, traditional practices and beliefs continued to hinder women's enjoyment of their rights in the areas of marriage, inheritance and land ownership.

4. In 1989, the Attorney-General had organized a seminar to consider how best to guarantee women's rights. In implementation of the recommendations made at that seminar, a National Committee on Women and Children had been created to review all legislation relating to women and children in light of the provisions of the Convention and the Convention on the Rights of the Child. That Committee had completed its work and submitted its recommendations, which included draft legislation that was awaiting formal enactment. The former National Commission for Women had been upgraded to a Ministry, and State

Ministries of Women Affairs and Social Development had also been established.

5. Education was both an important condition for women's empowerment and the best deterrent to early marriage. In 1987, the Government had established, in each State, two federal government secondary schools, of which one was coeducational and the other admitted only girls. As a result, the secondary enrolment ratio among girls had risen from 42.2 per cent in 1987 to 67 per cent in 1993; in 1990, girls had accounted for 27 per cent of all university students.

6. In implementation of the Committee's recommendations, the Government had promoted the formation of women's non-governmental organizations; such organizations were expected to be responsible and objective in their reporting; in that connection she cautioned the Committee about a "shadow report" which she understood was to be submitted to the Committee since the group which had prepared the report was known to be critical of all that the military Government had done.

7. During the period covered by the report, temporary measures adopted to promote the advancement of women had included the formation of women's education committees at the federal, State and local levels, the appointment of women to decision-making positions, the implementation of measures to alleviate poverty and improve women's economic status, the establishment of community banks offering credit to local entrepreneurs, the development of rural cooperative schemes and the funding of women's organizations and programmes to promote cottage industry cooperatives. Her Ministry had also published the Convention in simplified form.

8. Traditionally, women's role in marriage, divorce and widowhood had been determined by custom. While the status of educated women had improved, that of rural women remained unchanged. Section 31 of the 1979 Constitution had repealed much of the legislation which had encouraged traditional practices in the past. Seminars had been organized to educate women on the dangers posed by traditional practices, and a National Baseline Survey had been conducted in 1997 in order to collect data to be used in the eradication of such practices.

9. During the Committee's consideration of the initial report of Nigeria, a question had been raised concerning the laws dealing with rape and violence

against women. Under the Criminal Code rape was characterized as an offence; it was punishable by life imprisonment, accompanied in some cases by caning. The State had no statistics on domestic violence because women, fearing reprisals from husband and family, seldom reported it; moreover, the police did not take such complaints seriously, such matters were normally settled through alternative dispute resolution at family forums. Accordingly, there were no shelters for battered women. The Federal and State Ministries of Women Affairs and Social Development had established legal aid centres that helped women to seek redress and offered psychological support.

10. The Committee had also expressed the view that Nigerian citizenship legislation discriminated against women. That was not the case since the law did not compel a foreign woman married to a Nigerian to change her nationality and, in fact, granted special immigrant status to those who did not wish to do so.

11. Workshops had been organized to sensitize women to the areas of concern raised in the Beijing Declaration and Platform for Action, and both the Government and NGOs were involved in various projects for the promotion of gender equality and implementation of the Declaration and Platform. One such project involved the production of 12 instructional manuals and workbooks which promoted a positive image of Nigerian women at the national and international levels.

12. With respect to article 2, she noted that in addition to the 1979 Constitution's incorporation of an explicit prohibition of gender-based discrimination, the Government had established a National Committee on Sexual Harassment and a National Committee on the Elimination of All Forms of Discrimination against Women.

13. With regard to article 3, she reiterated that Nigerian women were entitled to all the fundamental human rights guaranteed under the Constitution and were being appointed to decision-making bodies.

14. With respect to article 5, she said that the Government had enacted legislation aimed at eliminating gender discrimination. In addition to the above-mentioned 1997 Baseline Survey, the Government had established a programme to promote understanding of the fact that men and women shared responsibility for the upbringing of their children.

15. Nigerian law did not treat prostitution itself (article 6) as an offence, but the Criminal Code provided a range of penalties, from 3 years to life imprisonment, for procurers, persons who ran brothels and others involved in trafficking in women.

16. Women had been part of the mainstream of political life (article 7) since the struggle for independence. They were represented at various levels of government; some State Commissioners and Cabinet Ministers were women. Women were encouraged to stand for public office, but were often deterred by financial considerations. There were also increasing numbers of women in international forums (article 8); in fact, Nigeria had had five women ambassadors.

17. There was no discrimination against women in respect of nationality and citizenship (article 9). Nigerian nationality could be derived from a person's father or mother or from any of the grandparents. A non-Nigerian woman married to a Nigerian could, if she wished, obtain Nigerian citizenship by registration or naturalization. That did not however apply in the case of a non-Nigerian man married to a Nigerian woman, a matter which was now under review.

18. Education (article 10) was recognized as a constitutional right. Government policy was to provide free, compulsory and universal primary education, and free adult literacy programmes and parents were encouraged to send their daughters to school. She expressed gratitude to UNESCO and UNICEF for providing core funding for the education of women. There were 380 Women's Education Centres throughout the country, offering courses relevant to the needs of women.

19. With regard to equality in employment and labour rights (article 11), section 17 of the Constitution prescribed equal employment opportunities for all. Sections 54 to 58 of the Labour Act protected women's employment during confinement and provided special protection for women against industrial hazards. Women now represented 44 per cent of the workforce; that did not include women who work on farms and at home.

20. With reference to article 12, she said that Nigeria had formulated a national health policy, the aim being to provide preventive care and treatment for all. Special efforts were being made in the areas of communicable disease control, maternal health, immunization, family planning and counselling,

maternal morbidity and mortality, and safe motherhood. A national AIDS/STD control programme had been developed, in the context of increased seropositivity among certain groups.

21. Referring to article 13, she explained that there were no regular family benefits for anyone apart from those linked to employment, such as pensions and gratuities. However, the new Family Support Programme helped to empower women in politics, agriculture, housing and literacy. The Government had allocated over 7 billion naira to the Family Economic Advancement Programme, which would operate credit facilities for women and families in order to promote family businesses. Credit could also be obtained from the people's banks and the community banks which had been established to make it easier for women to obtain loans for business purposes.

22. In the past the essential role played by rural women (article 14) in food production had received little recognition. That situation had changed in 1991 with the establishment of the Women in Agriculture programme, which disseminated information on modern agricultural methods and technology, and the establishment of a Directorate of Food, Roads and Rural Infrastructure whose goal was to promote development in rural areas, where the majority of women lived.

23. Regarding article 15, she said that men and women were equal before the law. Sections 31 to 38 of the Constitution guaranteed the fundamental rights of both men and women, and section 39 prohibited discrimination on the basis of sex. The Legal Aid Centre established by her Ministry was mandated to secure equal access for women to legal services.

24. Marriage (article 16) was governed by the Marriage Act, and also by customary law and Islamic law, both of which were upheld by the courts provided they did not offend against natural justice, equity and conscience, and did not conflict with other enactments. Nigeria had not yet signed the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.

25. Turning to the questions posed in the report of the pre-session working group (CEDAW/C/1998/II/CRP.1/Add.2) she said with reference to questions 9 to 16 that any person whose constitutional right to equal treatment had been infringed could apply to the courts. The National

Committee on Women and Children, comprising men and women representing various organizations and institutions, had now completed its report on the legal issues affecting women and children. Many disputes were in fact settled out of court, especially through the extended family system. Legal aid services from the legal aid centres were free for women, children and the disabled. Nigeria's National Commission for Human Rights was competent to deal with all complaints based on human rights violations. A Constitutional Court had recently been established.

26. With reference to questions 17 to 20, the Ministry of Women Affairs had four operational divisions, dealing respectively with the Family Support Programme, child development, rehabilitation and social welfare. The Ministry's budget was funded by the Government. The education of girls was encouraged through centres for female drop outs and vocational training centres for women and a programme for the rehabilitation of prostitutes had been introduced. Polygamy was an accepted practice in some parts of the country, for it was thought to help curb prostitution.

27. Responding to questions 21 and 22, she said that the Government had established ministries to legalize the adoption of special measures for the attainment of de facto equality between men and women. An inter-ministerial committee was responsible for monitoring the mainstreaming of gender issues. Non-governmental organizations provided funds to assist women candidates for public office.

28. With regard to questions 23 to 30, she said that her Ministry chaired a special working group on harmful traditional practices and that a national workshop was planned on the subject. The bill on female genital mutilation has yet to be adopted. Most domestic violence and most cases of rape went unreported. Spousal rape did not exist in law. Programmes to make young people aware of their rights were provided by non-governmental organizations through the legal aid centres, and there were guidance and counselling centres at educational institutions. Campaigns by associations of widows were proving effective in eradicating inhumane customary practices against widows.

29. In response to questions 31 and 32, she said that there were specific programmes for the socio-economic rehabilitation of prostitutes. The penalty for procuring

and trafficking in women was two years' imprisonment, and for keeping brothels it was six months.

30. With reference to questions 33 to 37, she said that the Government's policy of including at least one woman in the cabinets of every state of the Federation marked a good beginning in the involvement of women in decision-making. The numbers of women cabinet members and of senior women civil servants had increased. The National Commission for Human Rights had recommended that all the law enforcement agencies receive training in women's rights. A number of media stations were owned and run by women.

31. In response to questions 38 to 40, she said there had been an increase in the number of women career diplomats. There were now 75 women in the state parliaments, 25 in the House of Representatives and 9 in the Senate. The first summit meeting of the First Ladies of the Economic Community of West African States had resulted in the delivery by Nigeria of humanitarian relief packages to Sierra Leone, Liberia and Burundi. The issue raised in question 41 was currently under examination.

32. With regard to questions 42 to 45, the Government had established two secondary schools in all states of the Federation, one being for girls only, the other co-educational. Science education was promoted by the Nigerian Association for Women in Science, Technology and Mathematics, and Nigerian universities operated an admission policy which gave 60 per cent of their places to science students. Non-governmental organizations also provided science scholarships for women. The Ministries of Women's Affairs at the federal and state levels held annual science competitions in schools, and awarded prizes for the best female students. School drop-out rates were higher for girls than for boys in the north of the country, but lower in the east. Male and female teachers taught the same subjects in schools. Government awareness campaigns to encourage literacy had been organized at the national, state and local levels.

33. With reference to questions 46 to 52, she said that men and women had the same employment and promotion opportunities in industry and manufacturing. Employers in the private sector were free to establish their own conditions of service, as long as they did not violate the law. Married women were granted three

months maternity leave on full pay. In practice, Nigerian women did all the same kinds of work as men, but many more worked in the informal than in the formal sector. The beneficiary of a widow's pension and disability insurance benefits would be her next of kin, as stated by her. The schemes mentioned in paragraph 52 of the report had helped to bring down the female unemployment rate, and to empower women economically.

34. Regarding questions 53 to 58, she said that the maternal and infant mortality rates were increasing in Nigeria due to poor economic conditions resulting from lack of resources. Prenatal and postnatal care were included under maternal health services. Vasectomy was viewed with repulsion. The Safe Motherhood Programme had made women more aware of their rights, and also of the importance of balanced nutrition during pregnancy. Births were attended by traditional birth attendants. There was a campaign to educate women about the dangers of acquired immunodeficiency syndrome (AIDS). Nigeria celebrated World AIDS Day every year. No statistics were available, but it was known that AIDS was prevalent among women.

35. On questions 59 to 61, she said that special programmes had been set up to assist women in obtaining loans without having to secure their husbands' consent. No special interest rate was applied to women seeking access to credit. The beneficiaries of the Family Support Programme were mostly women.

36. Concerning questions 62 to 66, she said that special measures had been put in place to help women to obtain credit. The Family Economic Advancement Programme provided credit facilities to women cooperatives without collateral. In the past, in some parts of Nigeria women had been unable to own or inherit land. Following judicial intervention, however, women now had the right to own land. Women also had access to health care, electricity and water, transportation and decent housing. Replying to questions 67 to 70 she said that it was not possible for a woman to leave the country without the consent of her spouse or a male relative.

37. Concerning questions 71 to 75 she said that under the Marriage Act of Nigeria, the minimum age of marriage for both women and men was 18. The methods of dissolution of marriage known as *Talaz*, *Ila* and *Zihar* were religious practices which were

described in the report. When a woman married, she took her husband's name, and the children took their father's name. Adoption in organized institutions and homes or orphanages was a new trend in Nigeria because orphans were normally cared for by the extended family. Some states prohibited the withdrawal of girls from school for early marriage. Polygamy was an acceptable way of life in some parts of Nigeria.

38. Finally she said that the mandate of the Federal Ministry of Women Affairs and Social Development, included the development and advancement of women and children as well as the execution of programmes and projects on issues such as rehabilitation of the disabled, care of the elderly, and ensuring family cohesion through income-generating skills, education and other means.

39. **Ms. Cartwright** said that there were clearly a number of areas in which Nigeria was not complying with provisions of the Convention. For example, the requirement that women obtain the consent of their spouse or male relative in order to travel out of Nigeria violated article 15 and the methods of dissolution of marriage did not appear to be the same for women as for men.

40. Although it was encouraging that there had been a judicial ruling with regard to inheritance, the Government should enact legislation to make sure that all women had equal rights in inheritance. While the Constitution of Nigeria guaranteed equality to all citizens and equality between men and women, there seemed to be no legislation to enable citizens to seek redress in the event of violation of their rights. In the light of reports that some judicial orders and directives had not been implemented, legislation should be enacted to ensure that the provisions of the Constitution were implemented.

41. There were a number of areas in which women's rights could be enhanced: the availability of legal aid should be increased, there needed to be more women in the judiciary; criminal laws needed to be reviewed so that violence against women was criminalized; and training must be provided for the police and the judiciary. Above all, a climate of equality and respect for human rights needed to be promoted.

42. **Ms. Bernard** said that it was disturbing to learn that some judicial orders were not being respected. She urged that safeguards be put in place to protect and maintain the independence of the judiciary.

43. In relation to paragraph 33.7 of the report, she requested figures on the number of women holding posts in public service, compared with the number of men. Paragraph 30.1 seemed to suggest that rape was not regarded as a serious offence. Rape was an act of violence and must always be condemned; for that reason, in General Recommendation No. 19, the Committee had called for States parties to report fully on gender-based violence. She asked whether anyone had ever been convicted by a court of rape. Fuller information was needed on the prevalence of both rape and domestic violence.

44. **Ms. Ouedraogo** said that it seemed that much progress had been made in Nigeria in the area of education; those efforts should be continued. In relation to article 4, however, the attitude of the Nigerian Government seemed to fall short of what was required. Nigerian women should call for a quota system in order to accelerate equality. Efforts must be continued to combat custom and tradition. One approach would be to codify the customary laws, thereby opening a national debate and increasing the awareness of the population. The Government should not be discouraged by the difficulties involved in changing mentalities; for example, instead of retreating from its objectives in family planning, it should step up its efforts, especially among young people, who needed to abandon traditional practices.

45. Noting that, at present only 16.7 per cent of women in agriculture were able to benefit from credit schemes, she urged the Government to provide greater access for women to credit.

46. She hoped that the next report would indicate what was being done to assist the most impoverished sectors, including disabled women. She therefore encouraged the Government to pay closer attention to the compilation of statistical data on women.

47. **Ms. Javate de Dios** (Rapporteur), noting the Government's progress in adopting measures to improve the lot of women, said that the Committee looked forward to the enactment of legislation prohibiting female genital mutilation.

48. She called on the Government to actively encourage women to report acts of violence; it would then be able to provide the necessary statistical information. She also stressed the need for the Government to undertake a massive information campaign on the transmission of the HIV/AIDS virus.

49. Given repeated reports that Nigeria was the centre of traffic in women, mainly of Asian origin, she asked the delegation to provide information that would confirm or refute those allegations.

50. She was perturbed by the statement that polygamy was accepted in some parts of the country because it helped to curb prostitution. In her opinion, both practices were unacceptable. She was curious to know how the Government provided family law protection to women under Nigeria's three legal systems. Had there been cases in which customary law had been challenged, and had the courts ever ruled in favour of women?

51. **Ms. Aouij** acknowledged the improvements made in the areas of health, education, and in the quality of life for rural women and was pleased to hear that a committee had been established to review legislation in the light of the provisions of the Convention, even though it seemed to have produced little effect as yet.

52. **Ms. Acar** expressed the hope that the next report would give supplementary information on certain critical aspects of women's lives. For instance, she was interested in knowing whether a national baseline survey had been conducted, particularly as regards the participation of women in the informal sector.

53. She joined her colleagues in stressing the need for government policies and programmes to curb violence against women. The sociocultural climate of Nigerian society was in itself one of the major obstacles to development in the area of women's rights. She urged the Government to intensify its efforts to bring about the necessary changes to fully implement the provisions of the Convention for the benefit of Nigerian women.

54. Lastly, she inquired about the functioning of the alternative dispute resolution mechanisms available to women who claimed to be victims of discrimination on the basis of sex.

The meeting rose at 1 p.m.